

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2021-284-S - ORDER NO. 2021-718

OCTOBER 26, 2021

IN RE:	Application for Approval of a Sewer)	ORDER APPROVING
	Agreement between Blue Granite Water)	AGREEMENT FOR
	Company and Christian Brothers Automotive)	SEWER SERVICE
	Corporation)	

This matter comes before the Public Service Commission of South Carolina (Commission) on the request for approval of a Sewer Agreement (Agreement) between Blue Granite Water Company (Blue Granite, Company, or BGWC) and Christian Brothers Automotive Corporation (Christian Brothers). Blue Granite holds a Certificate of Public Convenience and Necessity to provide wastewater services in its service areas in various counties in South Carolina from this Commission.

BGWC submits that notice and a hearing are not required by law under the circumstances of this case for consideration and approval of the Agreement. The Agreement is not a “new rate, toll, rental, charge, or classification or a new regulation” under S.C. Code Ann. § 58-5-240 or “a new or changed schedule” under S.C. Code Ann. § 58-5-260; thus, notice and hearing are not required. The Commission has discretion to determine whether notice and hearing is needed when such notice and hearing are not required by law. The Commission shall determine whether the requisite cost associated with notice and a hearing would outweigh any benefit to the Company’s ratepayers given the nature of the Agreement and whether approval, without the need for notice or hearing,

is appropriate in this case. S.C. Code Ann. Regs. 103-817(C)(3)(a) & Regs. 103-817(C)(2) (2012).

Under the Agreement, BGWC would provide sewer service to certain real property containing approximately 1.33 acres located on Irmo Drive in Columbia, South Carolina.¹ As the developer, Christian Brothers plans to develop the property into a commercial development projected to consist of one (1) commercial development – an automotive repair facility to be called "Christian Brothers Automotive" -- with an estimated daily wastewater usage of 300 gpd. Blue Granite asserts that it has sewer service available to serve this property. According to the Agreement, the property is entirely within the Blue Granite service area in Lexington County, South Carolina.²

S.C. Code Ann. Regs. 103-541 provides that:

no utility shall execute or enter into any agreement or contract with any person, firm, partnership or corporation or any agency of the Federal, State, or local government which would impact, pertain to, or effect said utility's fitness, willingness, or ability to provide sewerage service, including but not limited to the collection or treatment of said wastewater, without first submitting said contract in form to the commission and the ORS and obtaining approval of the commission.

S.C. Code Ann. Regs. 103-541 (2012).

The South Carolina Office of Regulatory Staff (ORS) has filed a letter with this Commission, stating that it had reviewed the Agreement in question and has determined

¹ The real estate owned by Christian Brothers Automotive Corporation is a portion of Tax Parcel No. 001800-02-046 and located at 8079 Irmo Drive, Columbia, South Carolina 29212.

² Blue Granite is a public utility engaged in the business of furnishing sewer service to the public in its designated Friarsgate Franchised Service Territory located in Lexington County, and the real estate at issue to be serviced by this Agreement is property located within that existing service territory. *See, Agreement* @ p. 1.

that this filing complies with S.C. Code Ann. Regs. 103-541. We agree. On August 17, 2021, Blue Granite and Christian Brothers entered into the Agreement. In compliance with S.C. Code Ann. Regs. 103-541, Blue Granite filed the Agreement with the Commission on August 26, 2021, and now seeks Commission approval of the Agreement.

Blue Granite has an existing Satellite Sewer Agreement (SSA) with the City of Columbia, South Carolina (City), which was approved by the Commission on October 30, 2018 in Order No. 2018-682. Pursuant to the SSA, Blue Granite³ transmits wastewater collected in its Satellite Sewer System near the Friarsgate Subdivision in Richland County to the City's sewer system for treatment and discharge. The SSA also establishes a Capacity Assurance Program (CAP). The CAP requires Blue Granite to obtain approval from the City prior to Blue Granite's authorization to its customers for certain service. According to ORS, Blue Granite provided documentation to ORS indicating that the City approved the agreement for Blue Granite to provide wastewater service to the Property in this proceeding.

ORS further stated that Blue Granite has obtained approval from the City of Columbia allowing Blue Granite to provide sewerage service to Christian Brothers Automotive, in that the provision of such service to this new commercial automotive repair facility would create estimated new usage of 300 gpd when completed. Blue Granite agrees to provide the necessary sewer service in the Agreement, whereas the developer, Christian Brothers Automotive Corporation, agrees to provide the facilities

³ Blue Granite Water Company was formerly known as Carolina Water Service, Incorporated. In Docket No. 2018-365-WS, Carolina Water Service, Incorporated requested a name change only to Blue Granite Water Company. See Commission Order No. 2019-228 dated March 26, 2019.

(including but not limited to mains, valves, service laterals, manholes, and other facilities) reasonably required and needed for provision of the service without cost or expense to Blue Granite. The Agreement is consistent with the regulation.

Blue Granite states that no notice of hearing is appropriate in this case for approval of the Agreement. First, the Agreement relates only to wastewater facilities and wastewater distribution facilities to serve the property, and no potable water facilities are included. Further, Blue Granite noted that the Agreement is not a “new rate, toll, rental, charge, or classification or a new regulation” under S.C. Code Ann. Section 58-5-240 or a “new or changed schedule” under S.C. Code Ann. Section 58-5-260, and asserts that, accordingly, notice and hearing are not required. We agree with these assertions and hold that notice and a hearing are not required under the circumstances of this case.

Based on the matters mentioned herein, we make the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. Blue Granite Water Company holds a Certificate of Public Convenience and Necessity to provide wastewater services under the jurisdiction of the Public Service Commission of South Carolina.

2. Blue Granite Water Company and Christian Brothers Automotive Corporation have entered into an Agreement for Sewer Service by Blue Granite to the Property located at 8079 Irmo Drive, Columbia, South Carolina 29212, which is an area included in Blue Granite’s existing service territory.

3. The Agreement also includes the construction and installation of wastewater facilities reasonably needed to provide wastewater utility services to the

Property for commercial development of a commercial automotive repair facility to be called Christian Brothers Automotive.

4. The commercial automotive repair facility is estimated to create new usage of 300 gpd when completed.

5. Blue Granite desires to provide service to Christian Brothers Automotive Corporation under the Agreement.

6. Blue Granite has sewer service available to serve the Property and the projected one (1) commercial automotive repair facility to be called Christian Brothers Automotive.

7. Blue Granite will not provide potable water service to the Property under the Agreement.

8. Blue Granite has received approval from the City of Columbia, as required by the prior approval provision for certain service with the Capacity Assurance Program in the Satellite Sewer Agreement between Blue Granite and the City of Columbia, to provide wastewater service to 8079 Irmo Drive, Columbia, South Carolina 29212.

CONCLUSIONS OF LAW

1. The Agreement for Sewer Service is governed by S.C. Code Ann. Regs. 103-541.

2. The Agreement for Sewer Service is consistent with and in compliance with S.C. Code Ann. Regs. 103-541.

3. No Notice and Hearing are required for approval of the Agreement for Sewer Service, since wastewater facilities and wastewater distribution facilities are the only facilities addressed by the Agreement, and neither S.C. Code Ann. Section 58-5-240,

nor S.C. Code Ann. Section 58-5-260 are applicable to the Agreement.

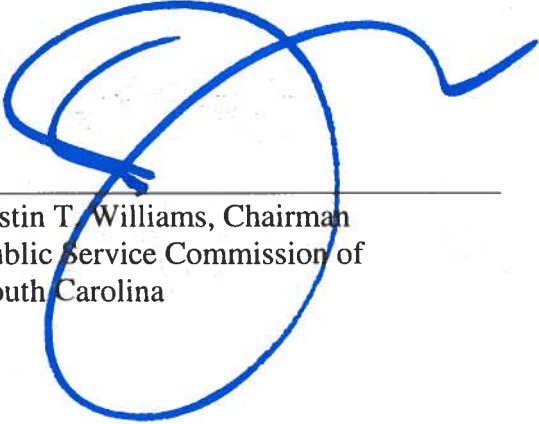
4. The Agreement in question between Blue Granite Water Company and Christian Brothers Automotive Corporation should be approved.

ORDERING CLAUSES

1. The Agreement for Sewer Service between Blue Granite Water Company and Christian Brothers Automotive Corporation for the provision of sewer service including the construction and installation of wastewater facilities to serve approximately 1.33 acres located in Lexington County at 8079 Irmo Drive, Columbia, South Carolina 29212, is hereby approved.

2. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:



Justin T. Williams, Chairman
Public Service Commission of
South Carolina